Commission Implementing Regulation (EU) 2020/1213 of 21 August 2020 concerning the phytosanitary measures for the introduction into the Union of certain plants, plant products and other objects which have been removed from the Annex to Implementing Regulation (EU) 2018/2019

COMMISSION IMPLEMENTING REGULATION (EU) 2020/1213

of 21 August 2020

concerning the phytosanitary measures for the introduction into the Union of certain plants, plant products and other objects which have been removed from the Annex to Implementing Regulation (EU) 2018/2019

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2016/2031 of the European Parliament and of the Council of 26 October 2016 on protective measures against pests of plants, amending Regulations (EU) No 228/2013, (EU) No 652/2014 and (EU) No 1143/2014 of the European Parliament and of the Council and repealing Council Directives 69/464/EEC, 74/647/EEC, 93/85/EEC, 98/57/EC, 2000/29/EC, 2006/91/EC and 2007/33/EC[(1)], and in particular the third subparagraph of Article 42(4) thereof,

Whereas:

(1) Commission Implementing Regulation (EU) 2018/2019[(2)] establishes, on the basis of a preliminary risk assessment, a list of high risk plants, plant products and other objects.

(2) According to Regulation (EU) 2016/2031, if it is concluded, on the basis of a risk assessment, that a plant, plant product or other object originating in a third country, group of third countries or specific area of the third country concerned poses an unacceptable risk, but that that risk can be reduced to an acceptable level by applying certain measures, the Commission is to remove that plant, plant product or other object from the list of Regulation (EU) 2018/2019 and add it to the list referred to in Article 41(2) of Regulation (EU) 2016/2031.

(3) The Annex to Implementing Regulation (EU) 2018/2019 includes the genera *Albizia* Durazz. and *Robinia* L. as high risk plants.

(4) On 24 January 2019, Israel submitted to the Commission a request for export to the Union of bare rooted, dormant grafted plants for planting, with a maximum diameter of 2,5 cm belonging to the species *Albizia julibrissin* Durazzini and of bare rooted, dormant grafted plants for planting, with a maximum diameter of 2,5 cm belonging to the species *Robinia pseudoacacia* L. (the 'specified plants'). That request was supported by the respective technical dossiers.

(5) On 13 January 2020, the European Food Safety Authority ('the Authority') published a scientific opinion regarding the commodity risk assessment of *Albizia julibrissin* plants from Israel[(3)]. The Authority identified *Aonidiella orientalis,* a species complex

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2020/1213. (See end of Document for details)*

including *Euwallacea fornicatus sensu stricto, Euwallacea fornicatior*, *Euwallacea whitforiodendrus* and *Euwallacea kuroshio* ('E*uwallacea fornicatus sensu lato')* and *Fusarium euwallaceae* ('the specified pests') as pests relevant for those plants, evaluated the risk mitigation measures described in the dossier for those pests and estimated the likelihood of pest freedom for each pest related to that commodity.

(6) On 2 March 2020, the Authority published a scientific opinion regarding the commodity risk assessment of *Robinia pseudoacacia* plants from Israel[(4)]. It identified *Euwallacea fornicatus sensu lato* and *Fusarium euwallaceae* as pests relevant to those plants, evaluated the risk mitigation measures described in the dossier for those pests and estimated the likelihood of pest freedom for each pest related to that commodity.

(7) Following those opinions, Commission Implementing Regulation (EU) 2020/1214[(5)] removed the specified plants from the list of high risk plants of Implementing Regulation (EU) 2018/2019.

(8) Moreover, and on the basis of those opinions, the phytosanitary risk from introduction into the Union of the specified plants is considered to be reduced to an acceptable level by applying measures to address the risk of the specified pests. Such measures should therefore be adopted to ensure the phytosanitary protection of the Union territory from the introduction of the specified plants into the Union.

(9) *Euwallacea fornicatus* belongs to the family of *Scolytidae* (non-European), which is listed in Annex II to Commission Implementing Regulation (EU) 2019/2072[(6)] as a group of Union quarantine pests. A pest risk assessment carried out by Spain[(7)] and a report[(8)] published by the European and Mediterranean Plant Protection Organisation ('EPPO') are available for *Euwallacea fornicatus sensu lato,* in which mitigation measures are suggested. The measures described by Israel in the dossier should be complemented by the measures suggested in that pest risk assessment and the respective report. The adopted measures are subject to review in the light of additional scientific and technical information.

(10) *Aonidiella orientalis* and *Fusarium euwallaceae* are not yet included in the list of Union quarantine pests of Commission Implementing Regulation (EU) 2019/2072, but they may fulfil the conditions to be included following a further complete risk assessment. Therefore, the measures for those two pests are based on those described by Israel in the dossier. Where it is established that those pests fulfil those conditions, they will be included in the list of Annex II to Implementing Regulation (EU) 2019/2072, and the relevant plants will be listed in Annex VII to that Regulation, together with the respective measures, when a complete risk assessment on those pests becomes available and justifies those inclusions. This Regulation should be then reviewed accordingly.

(11) In order to comply with the Union obligations deriving from the World Trade Organization agreement on the application of sanitary and phytosanitary measures, the import of those commodities should resume within the shortest possible delay. Therefore, this Regulation should enter into force the third day following that of its publication.

(12) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee for Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter

This Regulation sets out phytosanitary measures for the introduction from third countries into the Union of plants, plant products and other objects, which have been removed from the Annex to Implementing Regulation (EU) 2018/2019.

Article 2

Measures for introduction into the Union of certain plants, plant products and other objects, originating from third countries

The plants, plant products and other objects, originating from the respective third countries of origin, as listed in the Annex, may only be introduced into the Union territory if they comply with the corresponding measures set out therein.

Article 3

Entry into force

This Regulation shall enter into force the third day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2020/1213. (See end of Document for details)*

ANNEX

List of plants, plant products and other objects, originating from third countries, and the corresponding measures for their introduction into the Union territory, as referred to in Article 2

Plants, plant products or other objects	**CN Code**	**Third countries of origin**	**Measures**
1. Bare rooted, dormant grafted plants for planting with a maximum diameter of 2,5 cm of *Albizia julibrissin* Durazzini;	ex 0602 90 41 ex 0602 90 45 ex 0602 90 46 ex 0602 90 48	Israel	(a) Official statement that: (i) The plants are free from *Euwallacea fornicatus sensu lato* and *Fusarium euwallaceae.* (ii) the plants have been grown throughout their life in a place of production which is registered and supervised by the national plant protection organisation of the country of

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2020/1213. (See end of Document for details)*

				origin. That registration has included the respective production sites within the place of production.
			(iii)	The plants fulfil one of the following requirements: 1. The plants have a diameter of less than 2 cm at the base of the stem, or, 2. The plants have been grown in a site with complete physical protection against the